

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 22, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Martz, Pisciotte, present. Council Member Lambke absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Rev. Sergio Tristan, Waco Avenue United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of May 15, 2001, were approved 6 to 0. (Lambke absent)

AWARDS AND PRESENTATIONS

RECOGNITION

Doug Mahin, Raytheon, was not present.

Sister Cities Delegates from Tlalnepantla, Mexico, were recognized.

(Council Member Gale momentarily absent).

Public Works Week Recognition was given to Public Works employees.

PROCLAMATION

Proclamation previously approved was presented.

UNFINISHED BUSINESS

CONDEMNATION

REPAIR OF DANGEROUS AND UNSAFE STRUCTURE – 1959 SOUTH MARKET.

(District III)

(Continued from May 1, 2001)

Agenda Report No. 01-0572A.

The dangerous and unsafe property at 1959 South Market was first considered by the City Council on May 1, 2001. Mr. Roy Smith, son of the deceased owner and executor for the property, appeared on May 1st to request additional time to clean up the premises, pay delinquent property taxes, and to complete the exterior of the house to minimum code.

The City Council acted upon the request of Mr. Smith to clean up the exterior premise within seven (7) days, and if cleaned, meet with City Councilman Phil Lambke and Central Inspection Superintendent, Kurt Schroeder, to review the status of the case and plans for the property. Councilman Lambke agreed to return to the City Council with a final recommendation.

A meeting on site with Mr. Roy Smith and his wife was held on Tuesday, May 8th. An inspection of the exterior and interior of the property was made. The exterior premise has been totally cleaned up,

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and the house was secured. Several interested buyers were also at the site to inspect the property. The delinquent 1999 and 2000 property taxes in the amount of \$1,134.03 have now been paid in full.

Pursuant to State Statute, required resolutions for the May 1, 2001, hearing were published twice, on March 24, 2001, and on March 31, 2001.

Kurt Schroeder Superintendent of Central Inspection affirmed after being asked by Mayor Knight that he recommended 60 days be allowed to bring structure into exterior compliance as the taxes have been paid and the debris has been cleaned up. He also stated that Council Member Lambke was in support of the 60 days.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Resolution declaring the building as dangerous and unsafe, but allowing 60 days from May 22, 2001, to have the exterior of the building brought into Code compliance. Such extension would be conditioned on the following: (1) all real estate taxes have been paid to date as of May 22, 2001; (2) the structure has been fully secured as of May 22, 2001, and will continue to be kept secured; and (3) the exterior premise is mowed and kept free of debris as of May 22, 2001, and is so maintained during renovation. Failing any of the above, the City will proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 01-186

A Resolution finding that the structure located on Lots 37 and 39, on Market Street Alameda Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 1959 South Market, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

NEW BUSINESS

WORKFORCE ACT WORKFORCE INVESTMENT ACT RESOURCE SHARING AGREEMENT.

This Item was pulled from the Agenda.

GOLF FEE AUBURN HILLS GOLF FEE SCHEDULE.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 01-0652.

Auburn Hills Municipal Golf Course will open for play this month. It is necessary to set the fee schedule for the new course. Auburn Hills will be a high-end public course offering a high quality playing venue and coursed amenities. From inception, it was anticipated that green fees and other costs at Auburn Hills would be higher than other City courses. No specific fee structure had been set.

City staff has surveyed golf fees at other area courses, public and private. Green fees range from \$15 - \$38 weekdays and \$16 - \$48 weekends. Golf carts cost range from \$18 - \$24. The current four City courses have \$15 weekday and \$16 weekend green fees and \$18 cart rentals. Based on an evaluation of the area rates, the proposed schedule of fees is intended to position Auburn Hills at the high end of public courses but well below rates for many area golf courses. The fee schedule is proposed as not-to-exceed rates to permit the Golf staff flexibility to make adjustments based on market experience as the first year of course operations unfolds.

Weekday Green Fees	\$20
Weekend Green Fees*	\$25
With Golf Pass - Weekday	\$7

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With Golf Pass – Weekend*	\$12
With Senior Pass - Weekday	\$12
Golf Carts	\$20

*Weekend rates will be in effect Friday/Saturday/Sunday. Other fees are adjusted proportionally from the above base fee structure.

Course activity on Auburn Hills will be monitored closely and compared with similar information from other City courses to determine the impact of the new course on total rounds played and on individual courses within the City golf system.

All revenues are credited to the Golf Fund to defray operational expenses and debt service.

- Council Member Martz Council member Martz said that he had received a lot of phone calls on this and would like some clarification from Ray. When setting rates, about how many rounds are being projected, or have we projected at the \$20 and \$25 rates?
- Ray Trail Director of Finance said, "We were projecting in the market study that in the initial year, we would have somewhere around 32-34,000 rounds and it would escalate to something a little over 40,000 rounds of play. We're actually interested in a somewhat lower level of rounds played in the initial two years in any event, because we would like to see the course experience some additional time for growth. Some elements of the course have had almost two years of grow-in, but other elements of the course are fairly new and we would like to see the course have a lower level of play in the initial two years for that grow-in to occur to a greater extent. The market study indicated that over a five-year period of time, it would grow to something in excess of 40,000 rounds."
- Council Member Martz Council member Martz asked if that was about how many rounds that would be needed at this rate in order to satisfy debt service.
- Ray Trail "The debt service for the entire course is not going to be totally offset by the rates, nor was it intended in developing the financial performance that the full cost of this course would be offset by the course itself. Like all courses capital improvements are an obligation of the entire golf fund and not one particular course. These fees, however, if they're sustained within the market will represent an opportunity to increase the amount of costs for construction and operation of Auburn Hills that could be offset from the revenues by the operation by Auburn Hills itself."
- Council Member Martz Council member Martz asked with the concern for the additional fees going up, is this the figure that has been determined based on 32-34,000 rounds that we need in order to basically have it handle itself, or would that still require some offset from the rest of the funds.
- Ray Trail "Actually it would require higher rates, even with those rates in place in order to offset the operations and debt service of the course."
- Council Member Martz Council member Martz continued to say that there had been some talk of other concerns such as do we need to get into things such as call-in time and will the procedures be the same. For instance, five-day call in for tee-times. Is that going to be the same or will there be a change?
- Ray Trail "They are currently doing five-day call for tee times. We're taking reservations now for tee times, I believe next Sunday. Some of those things will be relatively the same. I would point out that, unlike the other four courses of the City, which are under contract with independent golf professionals, so we have a set of rules on how all those courses are operated so those contracted golf professionals can comply with those. This is a course that will be staffed and operated entirely by the City. We wanted to look upon this course, not only developing it as a flag ship course, as a golf venue, but also a point where we could experiment with some more innovative things such as how to provide greater customer convenience and customer services to golfers. This will be the course where we will take an initial step of utilizing new techniques for reservations including using the internet. This is a course where we anticipate trying to partner with some of the local hotels to develop tourism type packages. We'd like to feel that this is the course we could experiment with and if they're successful to be able to bring them on-line and implement them on other courses as we find things that work."

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- Council Member Martz Council member Martz stated that he feels Friday is a week day, not a weekend day and that there is a lot of back-flash on having separate rates for Fridays. The passes are already set up, mainly on five-day passes and that he is opposed to having Fridays listed as weekend rates.
- Ray Trail "They are recommending Friday, Saturday and Sunday as weekend rate, or the higher rate. Those tend to be the prime days when the greatest demand for golf exists. It is a pricing mechanism since there is a weekend rate on other courses, albeit, just Saturday and Sunday. In this particular case, it is the plan to try and experiment with some things, and this would be a course where a three-day weekend rate as opposed to a two-day weekend rate could be experimented with. As indicated in the Agenda Report, this is anticipated as a starting point, depending upon market circumstances, allowing flexibility to modify those things as required. As a general rule, Friday, Saturday and Sunday are the prime hours for golf and we were recommending a rate structure that reflected this."
- Council Member Martz Council member Martz asked if we did not have a rate increase, what would be needed to increase the other green fees across the City to offset the lost revenue on this. He also stated that he had conducted a survey, and in talking to about 125-130 people, about half of them indicated that since this is a City course, even though it's a better course, etc., that the green fees should be the same for all five City courses. He also asked if we were told to do that, was there any idea how much the other four courses would have to be raised in order to satisfy debts.
- Ray Trail "The original financial performance on Auburn Hills anticipated somewhere in a \$2.00-\$4.00 rate differential for most green fees in order to make the cash flow for Auburn Hills in conjunction with the other courses; I have not ran a specific analysis along those lines, but felt it would be safe to say to replace that lost revenue, would possibly occasion another \$1.00 green fee increase across all rounds played in addition to the \$1.00 that's has been suggested to the Council and the financial plan that was presented a few weeks back. This course was always envisioned as having a higher rate structure from inception to date. The only question has been how much of a differential on the rates should take place."
- Council Member Martz Council member Martz said that he has struggled with what the rate structure should be and again in talking with people throughout the City, there is a tremendous concern with what we should and shouldn't do. He does agree that the course is definitely a step above anything else that we have and feels that there should probably be some kind of a green fee increase above the others. Exactly what he doesn't know. He is opposed to the Friday rates being separate and thinks that Friday should not be included in this and should be a Monday through Friday rate versus a three-day weekend.
- Mayor Knight Mayor Knight inquired if anyone wished to be heard and Dale Leddon appeared.
- Dale Leddon Mr. Leddon, retired citizen of Wichita, representing no one but himself, is opposed to the proposed green fees structure. He stated that several years ago, probably five years ago, he purchased a five-day membership and if he remembered correctly it cost about \$500. It has gone up every year since then and it now sells for \$675 for a five-day, Monday through Friday play. The reason given to him for each increase by the pros was they were using the money to build a new golf course called "Auburn Hills," and that would be good as it would open up more tee times and give more play. "Little did I know that the City would raise the price of one round of golf more than 33 percent, nor did I know that they would cut 20 percent of our play time by eliminating Friday. This was not spoken to us as we bought memberships throughout the years." He concluded by saying that he opposed the green fees and that he was sure all senior golfers and all weekday membership golfers feel the same way. He's one of the people that Council Member Lambke didn't talk to and asked the Council to consider the proposal carefully and to think about who they would be hurting.
- Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.
- Mayor Knight Mayor Knight said that he has not spent a lot of time on this issue, but when it was proposed, the genesis was a result of Council Member Ferris. A lot of the financial performance was a result of his leadership and involvement. The question he had then and the concern he has now is that this will not be a burden on the general property tax payer, but someone has to make economic sense out of it. He

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feels maintenance on this course will be higher than the other courses. Also, his prime concerns are that junior golfers and retired golfers are not priced out of this.

Council Member Pisciotte Council Member Pisciotte stated that he feels golf in this community is a bargain and this new course is going to give a full range of alternatives of where golf can be played. He stated that one of the items that had not been mentioned, but to him was a major factor, was setting the rates where the other public courses are financially protected as the management of those courses, individually, have a major investment, and he does not want a wholesale movement from the existing courses to this new course. He states that what works for him is that the Director of Finance has put "fees not to exceed a certain level." This allows them to test the market, find out where they are, and if it's not correct, it can be reduced below that, but it really gives some flexibility.

In addressing Council Member Martz's concern about the Friday situation, he stated some resolution should be found on that. He feels that Fridays have, in fact, become weekends for golfers. It is really a continuing three-day weekend starting on Friday noon and those tee times are becoming prime as well. He would like to see the revenue structure adopted with the underscoring the "not to exceed," so that we can have some rates in place, come Thursday when this course opens; He would like to see Council Member Martz get together with Staff to work out something on the Friday situation.

Ray Trail Director of Finance, in answering Council Member Martz's question about "grand-fathering" current season pass holders so that they will not be detrimentally impacted, stated that for those individuals who are current pass holders, their current pass would be grand fathered until their renewal date.

Council Member Pisciotte Council Member Pisciotte stated that if the structure "not to exceed" is passed, that he would like the Director of Finance and others involved to monitor it regularly. It does not necessarily have to come back to Council as a policy issue, but focus on where they are, how the marketing is done, how the play is, and that the Friday issue be addressed very quickly.

Council Member Martz Council Member Martz said that he agreed that as far as today goes, green fees only should be talked about. The issue on Friday, passes, etc. are more policy and procedure. He has already talked to Mr. Trail about the fact that the Policy and Procedures Manual really needs to be reviewed and updated and that should be taken as a separate issue, at a separate time, and keep this solely today as green fees.

Motion -- Pisciotte moved that the fee structure, underscoring the "not to exceed rate" structure, be approved.

Council Member Martz Council Member Martz responding to question from Mayor Knight as to why he was opposed to the motion said that he had stated earlier that the \$20-25 was too high.

--carried carried 5 to 1. (Martz no; Lambke absent)

CITY COUNCIL AGENDA

MAYOR

CHARTER ORDINANCE – COMPENSATION FOR POSITION OF MAYOR.

Mayor Knight

Mayor Knight reviewed the Item.

Agenda Report No. 01-0653.

In 1974, the City Commission exempted the City of Wichita from a non-uniform statute to provide authority for the City to establish its own terms of compensation for the governing body. In 1992, the City Council adopted a Charter Ordinance setting the Mayor and City Council members' compensation, effective April 11, 1995. In March 2001, the Council adopted a Charter Ordinance setting the Mayor's compensation at an amount to equal the average Sedgwick County Commissioner's salary as of June 7, 2003. In addition, the Mayor is allowed an annual cost of living increase and an automobile allowance.

The previous charter ordinance had the effect of delaying the compensation increase for the Mayoral position to 2003 based on the representations of the current incumbent (Bob Knight) that he did not wish to personally accept the higher salary level. The charter ordinance should have set the salary for

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the Mayor position without respect to the personal decision of the incumbent, leaving that to him to make based on his written and personal instructions. Accordingly, the proposed Charter Ordinance establishes new terms for compensation for the position of Mayor. After August 9, 2001, the salary for Mayor would be increased to equal the average Sedgwick County Commissioner's salary (as of such date). The Charter Ordinance retains the current provisions on annual cost-of-living increase, in lieu of social security payments, and an automobile allowance (as established by Council policy). Mayor Knight has filed a letter with the City converting any increase in salary resulting from this Charter Ordinance back to the City as a contribution so his personal wishes to forego the salary increase will be honored.

Given Mayor Knight's donation of the salary increase back to the City, there is no net impact on the operating budget.

The City has the authority under its Home Rule powers to set the compensation for the governing body. This is a Charter Ordinance and requires approval by 2/3rds of the Council.

Motion -- carried

Pisciotte moved that the Ordinance be placed on first reading. Motion carried 6 to 0.

CHARTER ORDINANCE

A Charter Ordinance <<

introduced and under the rules laid over.

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR MAYOR KNIGHT TO NLC OFFICERS/STATE MUNICIPAL LEAGUES RETREAT IN WILMINGTON, NC, JUNE 15-16, 2001.

Mayor Knight announced that he would not be attending this event.

PROCLAMATION PROCLAMATION:

Juneteenth Days

Motion -- carried

Knight moved that the Proclamation be authorized. Motion carried 6 to 0. (Lambke absent)

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item 16 A, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Lambke absent)

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 21, 2001.

Bids were opened May 18, 2001, pursuant to advertisements published on:

Lateral 305, Four Mile Creek Sewer to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, east of Greenwich. (468-83244/743869 /480557) Does not affect existing traffic. (District II)

J.J. Westhoff Construction - \$58,771.00

Water distribution system to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (448-89549/735011/470681) Does not affect existing traffic. (District V)

WBW Contractors - \$38,799.00

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Water distribution system to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, east of Greenwich. (448-89565/735012/470682) Does not affect existing traffic. (District II)

McCullough Excavation - \$30,800.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Installation of New Sod at Scattered Sites. (127804)

Green Glo Turf Maintenance Inc. - \$49,200.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Rehabilitation of 2602 North Minnesota and 3024 Carmen. (127804)

Williamson Construction Inc. - \$62,096.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Concrete Pads. (183327)

Kansas Building Products - \$14.30* (Item 1/per each)
\$32.20* (Item 2/per each)

*Plus \$60.00 delivery per load

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>Consumption on Premises)</u>
Saeed Mansouri	A.M. Conoco	12728 East Central
<u>New Establishment</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Paul Wang	Tay-do Chinese Restaurant*	1580 West 21st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Rita, from the east line of West Street to Kessler, and Kessler, from Rita to the south line of Jewell to serve Alcorn Industrial Addition (east of West Street, north of Pawnee) (472-83083/765573 /490684) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$235,000.00
- b) Maple from 119th Street West to Maize Road Phase 3 Landscaping (Maple from 119th Street West to Maize Road) (472-83092/706772/209233) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$131,937.50

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c) 2001 Sanitary Sewer Rehabilitation, Phase D (various locations) (468-83231/620316/661440) Traffic to be maintained during construction using flagpersons and barricades. (District II & V) - \$320,000.00

d) 2001 Sanitary Sewer Reconstruction, Phase 3 (north of Kellogg, west of Rock Road) (468-83243/620317/661441) Traffic to be maintained during construction using flagpersons and barricades. (District I & II) - \$374,000.00

e) 16 Inch Water Supply Line in Pawnee from Webb Road to west of Greenwich Road (Pawnee, east of Webb Road) (448-89436/633717/750558) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$248,060.00

f) Lateral 138, Main 4, Sanitary Sewer #23 to serve Jones Park Addition (north of 33rd Street North, east of Arkansas) (468-83048/743819/480507) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$18,180.00

g) Construct a Left Turn Lane and Acceleration/Deceleration Lane to serve Brush Creek 3rd Addition (south of 37th Street North, east of Woodlawn) (472-83131/765663/490774) Does not affect existing traffic. (District I) - \$403,440.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Lambke absent)

STATE. OF COST

STATEMENTS OF COST:

a) Improving McLean, from Taft to Seneca (Construction). Total cost - \$4,283,272.00 (plus temporary note interest - \$68,256.00, plus idle fund interest - \$115,574.48; less financing previously issued - \$4,382,202.48). Financing to be issued at this time - \$84,900.00. (706168/472-82586/405-170).

b) Improving Oliver, from 25th Street North to 35th Street North (Construction). Total cost - \$642,320.00 (plus temporary note interest - \$1,033.65, plus idle fund interest - \$16,746.35; less financing previously issued - \$630,000.00). Financing to be issued at this time - \$30,100.00. (706184/472-82588/405-172).

c) Improving Maize Road, from 13th Street North to 21st Street North (Construction). Total cost - \$343,356.98 (plus temporary note interest - \$1,169.73, plus idle fund interest - \$12,473.29; less financing previously issued - \$325,000.00). Financing to be issued at this time - \$32,000.00. (706200/472-82601/405-174).

d) Improving Seneca, from 31st Street South to Kellogg (Construction). Total cost - \$465,000.00 (plus temporary note interest - \$5,505.08, plus idle fund interest - \$18,794.92; less financing previously issued - \$465,000.00). Financing to be issued at this time - \$24,300.00. (706259/472-82656/405-179).

e) Improving Greenwich Road, from Kellogg to Central (Construction). Total cost - \$833,420.00 (plus temporary note interest - \$756.78, plus idle fund interest - \$10,623.22; less financing previously issued - \$825,000.00). Financing to be issued at this time - \$19,800.00. (706390/472-82738/405-193).

f) Improving Zoo Boulevard, from 13th Street North to Windmill Road (Design). Total cost - \$223,575.00 (less KDOT Reimbursement - \$62,700.00, plus temporary note interest - \$6,183.42, plus idle fund interest - \$1,016.58; less financing previously issued - \$167,575.00). Financing to be issued at this time - \$500.00. (706424/472-82748/405-196).

g) Improving 13th Street North, east of Rock Road (Construction). Total cost - \$964,762.00 (less idle fund interest - \$8,762.00; less financing previously issued - \$930,000.00). Financing to be issued at this time - \$26,000.00. (706770/472-83028/208-231).

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- h) Improving CKR Railroad Track Removal. Total cost - \$1,750,000.00 (plus temporary note interest - \$16,143.33, plus idle fund interest - \$42,456.67; less financing previously issued - \$1,000,000.00). Financing to be issued at this time - \$808,600.00. (706781/472-83178/209-238).
- i) Improving West Douglas Streetscapes (Douglas, Seneca to Arkansas) (Design). Total cost - \$24,650.00 (plus temporary note interest - \$679.29, plus idle fund interest - \$670.71; less financing previously issued - \$25,000.00). Financing to be issued at this time - \$1,000.00. (706788/472-83164/200-266).
- j) Improving Mid Town Two Way Streets (Design). Total cost - \$40,800.00 (plus temporary note interest - \$710.64, plus idle fund interest - \$89.36; less financing previously issued - \$0.00). Financing to be issued at this time - \$41,600.00. (706796/472-83204/200-268).
- k) Improving Maple/Lewis Street Bridge (Construction). Total cost - \$4,920,525.00 (plus idle fund interest - \$27,175.00; less financing previously issued - \$4,850,000.00). Financing to be issued at this time - \$97,700.00. (715433/472-82720/415-057).
- l) Improving Murdock Bridge at Wichita Drainage Canal (Construction). Total cost - \$600,000.00 (plus idle fund interest - \$3,300.00; less financing previously issued - \$600,000.00). Financing to be issued at this time - \$3,300.00. (715675/472-82784/249-083).
- m) Improving 119th Street West Bridge at Calfskin Creek (Construction). Total cost - \$1,124,375.00 (plus idle fund interest - \$28,525.00; less financing previously issued - \$1,140,000.00). Financing to be issued at this time - \$12,900.00. (715676/472-82746/249-084).
- n) Improving Cessna Park (1999 Park CIP). Total cost - \$104,163.00 (plus temporary note interest - \$444.96, plus idle fund interest - \$492.04; less financing previously issued - \$75,000.00). Financing to be issued at this time - \$30,100.00. (785865/472-82969/399-118).
- o) Improving Linwood Park South – (1999 Park CIP). Total cost - \$1,047.00 (plus idle fund interest - \$53.00; less financing previously issued - \$0.00). Financing to be issued at this time - \$1,100.00. (785907/472-82973/440-122).
- p) Improving Sports Court Repair – (2000 Park CIP). Total cost - \$77,026.00 (plus temporary note interest - \$1,426.51, plus idle fund interest - \$1,747.49; less financing previously issued - \$70,000.00). Financing to be issued at this time - \$10,200.00. (785006/472-83200/390-138).
- q) Improving Sidewalk and Paths – (2000 Park CIP). Total cost - \$39,993.22 (plus temporary note interest - \$711.96, plus idle fund interest - \$1,694.82; less financing previously issued - \$0.00). Financing to be issued at this time - \$42,400.00. (785011/N.A./390-143).
- r) Improving Park Athletic Court Improvement Program (Various). Total cost - \$59,815.00 (plus temporary note interest - \$978.96, plus idle fund interest - \$1,406.04; less financing previously issued - \$0.00). Financing to be issued at this time - \$62,200.00. (785015/472-83240/391-147).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 6 to 0. (Lambke absent)

STORM WATER

PETITION TO CONSTRUCT STORM WATER DRAIN TO SERVE YMCA SOUTH ADDITION – WEST OF MERIDIAN, NORTH OF MACARTHUR. (District IV)

Agenda Report No. 01-0654.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide access to a new commercial development located on the west side Meridian, south of 33rd Street South.

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The Petition totals \$118,800. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-211

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 163, (west of Meridian, north of MacArthur), 468-83234, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 01-0688.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

Wichita Senior 5K – Wednesday, May 30, 2001 – 6:00-7:45 p.m.
Amidon from Murdock to Sim Park Drive (around Botanica)

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0.

-- carried

(Lambke absent)

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED - APRIL 2001:

<u>Name of Claimant</u>	<u>Amount</u>
KGE	\$2,442.06
Terrance J. Morris	180.73
Bob D. Kirk	100.00
Mike Filippello	183.69
SW Bell	309.66
Wm. G. Symons	699.39

Motion -- carried

Knight moved that the report be received and filed. Motion carried 6 to 0. (Lambke absent)

FOUR MILE CREEK APPLICATION FOR CITY SEWER SERVICE OUTSIDE CORPORATE LIMITS (District V)

Agenda Report No. 01-0655.

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The City has recently acquired ownership of the Four Mile Creek Sewer System formerly owned by Sedgwick County. The property owner at 2400 South Greenwich Road would like to connect to City sewer, but the property has not been annexed. Coinciding with the agreement, the owner will not oppose annexation.

There are no financial considerations. The owner paid an impact fee to Sedgwick County when the building permit was issued, prior to the City assuming ownership of Four Mile Creek.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

EASEMENT

EASEMENT ENCROACHMENT AGREEMENT. (District II)

Agenda Report No. 01-0656.

The Agreement allows Smith & Company to occupy and construct for properties within Smithmoor Ninth Addition, adjacent to Greenwich Road and including lots 16 through 20 in Block 6, and lots 50 through 54, Block 7, over and across portions of a utility easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a masonry fence that encroaches into the existing utility easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other department property in the easement.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

SG DEPT AGING

ROSS GRANT PROGRAM CONTRACT – SEDGWICK COUNTY DEPARTMENT ON AGING.

Agenda Report No. 01-0657.

On October 21, 1998, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) was signed into law as part of the FY 1999 Appropriations Bill. One provision of the Act is the mandate for public housing authorities to link services and public housing residents for economic self sufficiency.

The Department of HUD issued a "Notice of Funding Available" for the Resident Opportunities and Self Sufficiency (ROSS) Program. The program includes a provision for grants to promote independent living for the elderly and persons with disabilities by providing support services, resident empowerment activities, and assisting residents in maintaining self sufficiency.

The Wichita Housing Authority (WHA) and Sedgwick County Department on Aging staffs have developed a Resident Service Delivery Program which will enhance the livability of Greenway Manor, McLean Manor, Rosa Gragg, and Bernice Hutcherson apartment complexes for Public Housing residents. The program purpose is consistent with HUD's goal to most effectively focus resources on independent living for the elderly and persons with disabilities. Residents will be assisted with housekeeping, transportation, wellness activities, and companionship needs at a nominal cost to the resident. On February 26, 2001, the WHA was awarded a grant of \$200,000 for a three-year program.

Under terms of the proposed contract, the services will be provided by the Sedgwick County Department on Aging. The Notice of Funding requires a 25% match, which be provided by the Department on Aging and the WHA through the provision of space.

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The proposed contract has been approved by the City Law Department and the Sedgwick County Commission.

The WHA will retain \$20,000 for administrative costs during the three-year period.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

KDHE

KDHE 2001 TB CLINIC STAFFING CONTRACT ADDENDUM.

Agenda Report No. 01-0658.

In 1989, the Centers for Disease Control announced a goal of eliminating tuberculosis from the U.S. by the year 2010. The Strategic Plan addresses the problem of increasing case rates and outbreaks of drug resistant TB. The Chest Clinic (TB) is an essential component of the Public Health Department, and provides case finding, monitoring directly observed therapy for cases, evaluation of positive TB skin tests, and preventive therapy. The Centers for Disease Control and KDHE recently sent an investigative team to determine whether the recent cluster of TB cases was significant enough to warrant additional funds being awarded to support continued investigation and treatment of cases and suspect cases.

Funds are available from KDHE on an annual basis for the TB Clinic. The Department has a sliding fee scale for those seeking services that are not TB cases or contacts to those cases. The Centers for Disease Control and Prevention have provided a supplemental funding award to KDHE for this Addendum.

The request for an increase in the amount of \$108,720, producing a total award of \$213,378, is intended to support the management of a cluster of TB cases identified and investigated within Sedgwick County. The supplemental funds will be used to employ temporary professional staff to work in the clinic enablers (temporary lodging, transportation, and other items that facilitate adherence) to patients being treated as part of the cluster of cases.

This Contract Addendum was reviewed and approved unanimously at the May 10, 2001, Board of Health meeting.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR TARA FALLS AND TARA FALLS SECOND ADDITION – SOUTH OF HARRY, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0659.

The City Council approved the project on May 1, 2001.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Tara Falls & Tara Falls 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$31,190, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

DELANO

CONTRACTS FOR DELANO GRANT SURVEY FIELDWORK.

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Agenda Report No. 01-0670.

The Delano Survey Grant (No. 20-01-16416-002) has a component to hire a consultant to complete the field survey of 840 structures. The total dollar amount for this component of the survey is \$13,692. Requests for Proposal (RFP) for consultants to perform this type of work have been non-responsive. Last year, there was only one response to a RFP, and the consultant withdrew before the contract was executed. With the approval of the State Historic Preservation Office (SHPO), a graduate student from the WSU Public History Masters Program was contracted to complete the survey under the supervision of the Historic Preservation Planner.

Based on previous lack of response from consultants for field survey work, the Historic Preservation Office is requesting the City Council to allow MAPD to contract with two graduate students from the WSU Public History Masters Program to conduct the field survey work under the supervision of the Historic Preservation Planner. Payment would be based on completed deliverables instead of an hourly rate. This staffing arrangement would allow the grant to be completed as per the agreement with the SHPO.

The Historic Preservation Office has a long record of working with the WSU History Department to provide on-the-job training for their graduate students.

This grant budget was approved by the City Council on April 10, 2001, and it funds the consultant work.

Contracts will be executed through the City Law Department and can be terminated with 30 days notice from either party.

Motion --
-- carried

Knight moved that suspension of the bidding procedures be approved and the Historic Preservation Office be allowed to hire graduate student contract labor. Motion carried 6 to 0. (Lambke absent)

WEBSITE

CONVENTION AND VISITOR'S BUREAU WEBSITE DEVELOPMENT.

Agenda Report No. 01-0671.

In a study initiated by the Convention and Visitor's Bureau (CVB), a consultant stated that the CVB website needed to be completely redesigned and made into a portal site for the city. After due consideration, a Request for Proposal was sent out to vendors interested in developing the new CVB portal website. The CVB and IT/IS staff reviewed Request for Proposals for comparative and site-goals status.

The City has selected Inetic, Inc. to be the vendor. The Vendor will be responsible for; the initial "look and feel" of the site (templates), design and implementation of a SQL2000 database, web interfaces to allow authorized remote users to update selected aspects of the site in a secure environment, and various additional features including e-brochures, email subscription, maps, and advertising. A five-month time frame is expected for the completion of the basic application. Inetic, Inc. will work in partnership with the CVB and IT/IS to provide ongoing status reports, which will allow for the coordination of other Strategic planning activities. Upon completion and successful testing of the portal site, IT/IS will host the site. IT/IS and CVB staff will provide maintenance and future enhancements.

There are funds available for the project in the CVB budget, cost not to exceed \$ 40, 870.

Agreements which exceed \$10,000 require City Council approval. The Law Department will review and approve the contract as to form.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

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VENDOR

COUNSELING AND MEDIATION - ACCEPTANCE OF THE PSYCHOLOGICAL SERVICES VENDOR - POLICE DEPARTMENT.

Agenda Report No. 01-0672.

The Wichita Police Department has a need to provide psychological services for Police personnel. These services include pre-employment testing and analysis as well as counseling and training. Several potential vendors were identified, and four of those responded to the Request For Proposal.

A committee evaluated the proposals and Counseling and Mediation Center, Inc. was the most qualified and prepared to provide the services. Counseling and Mediation has experience in testing and assessing as well as counseling and training, and has been the vendor for these services for the Wichita Police Department since 1997. The Police Department has been satisfied with their level of service.

Counseling and Mediation Center, Inc.'s bid was \$315 for testing, \$90 for reporting, \$90 an hour for counseling, and \$80 an hour for training (no increase in rates). The funding will be from the Wichita Police Department's Budget for counseling and training costs.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

WATER SUPPLY

CHANGE ORDER FOR REDRILLING WATER SUPPLY WELLS.

Agenda Report No. 01-0673.

The City of Wichita has 55 water supply wells located in the Equus Beds, approximately 25 miles northwest of Wichita. There are currently three wells (M-11, M-19, and M-30) that no longer produce water. They must be redrilled if we are to continue to utilize the existing water rights and facilities. The City entered into a Contract with Clarke Well and Equipment, Inc., to redrill the water supply wells in the Equus Beds after receiving formal bids on September 8, 2000. Bid FB000026 was approved by City Council on September 12, 2000.

Specifications to redrill were based on the designs of the existing wells. Specifications required the contractor to drill new test wells at the sites of the proposed wells, and to evaluate the results of the test drillings to determine the most productive designs. Based on the evaluations, the following modifications to the original specification are recommended:

- *Increase the depth of well M-11 by six feet, and increase the amount of screens by 34 feet.
The modifications should increase production by 25-to-40 percent.
- *Increase the depth of well M-19 by 28 feet, and increase the amount of screens by 15 feet.
The modifications should increase production by 60-to-100 percent.
- *Increase the depth of well M-30 by two feet, and increase the amount of screens by 33 feet.
The modifications should increase production by 20-to-35 percent.

The cost of the modifications is \$20,633 represented in Change Order No. 1. The price increase is based on an extension of the original unit prices and is the increase in lineal feet for drilling, pipe, and screens required to complete the modified wells.

There are two alternatives:

- 1) Approve the Change Order and construct the wells with the new design.
- 2) Do not approve the Change Order and construct the wells using the designs in the original specifications. Constructing the wells using the original designs will result in wells that are less efficient and that will produce less water. Staff does not recommend this alternative.

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The original Contract was for \$157,438. The cost of the recommended changes is \$20,633 that will increase the Contract to \$178,071. Funding is available for the improvements in CIP W-175, Future Water Supply.

City Council approval is required for Change Orders over \$10,000.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

(Addendum Item #16a)
ROW ABANDON.

ABANDONMENT OF PORTION OF RAILROAD RIGHT-OF-WAY. (District II)

Agenda Report No. 01-0687.

The developer of land located east of Rock Road and south of 45th Street North is improving a site with outdoor storage units. Along the southeast boundary of his property there is a railroad right of way that was granted to the City of Wichita by a prior owner in 1979. This right of way continues to the southwest across property owned by Willowbend Golf Club. The developer is willing to pay the City to abandon the north 20 feet of that portion of the right of way which traverses his property. This will allow him to make a more efficient use of his site. He has offered to pay \$5,000 which is a pro rata share of the original purchase price representing the portion that is to be abandoned.

Neither Public Works nor any other department has any present or future plans for utilizing this right of way for rail access. The right of way does not provide access to any rail lines or spurs in this area. The \$5,000 purchase price is calculated as a recoupment of that share of the original cost of the right of way represented by the area to be abandoned.

The purchase price is roughly equivalent to the purchase price paid for this portion of the railroad right of way purchased by the City in 1979.

The City may abandon all or any portion of this railroad right of way and may receive consideration in the way of a payment related to the original purchase price as a condition of such abandonment.

Motion --
-- carried

Knight moved that the partial abandonment of the railroad right of way adjacent to that portion of Lot 2, Block 1, 45 Rock Road Industrial Park Addition owned by John Reimer, in return for payment to the City of \$5,000, be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

HOMELESS GRANT GRANT APPLICATION – HOMELESS ASSISTANCE.

Agenda Report No. 01-0674.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the 2001 Continuum of Care Homeless Assistance Program. The NOFA make funds available for the Supportive Housing Program which includes transitional housing, supportive services and Safe Havens; Shelter Plus Care; and Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare an application for the Wichita-Sedgwick County area.

The Housing Services Department has prepared an application for a one-year renewal of the Shelter Plus Care (S+C) program. This program is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases) and their families who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. The program

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allows for a variety of housing choices (and a range of supportive services funded by other sources) in response to the needs of the hard-to-reach homeless population with disabilities.

The United Way has been working with the CCHA to implement the community process to prioritize the projects to be included in the application. A committee of community volunteers ranked five proposals to be included in this year's application. The application will be submitted to HUD by the United Way of the Plains. If HUD approves funding for any of the projects, the grant agreements will be between the sponsoring agency and HUD. With the exception of the Shelter Plus Care application, which is sponsored by the Housing Services Department, the City of Wichita will have no fiscal or other responsibility for project implementation or oversight.

The application will include the following five projects:

<u>Project Name</u>	<u>Amount</u>	<u>Agency</u>
Permanent Supportive Housing Homeless Management Information System	\$486,833 \$311,719	Mennonite Housing United Way of the Plains
Transitional Housing for people with serious mental illness and co-occurring substance abuse disorder	\$848,253	COMCARE
Supportive Street Services	\$302,355	Inter-Faith Ministries
Shelter Plus Care (renewal)	\$598,164	Housing Services Department

Mennonite Housing is requesting funding for rehabilitation activities at Bradford Glen (8 units would be set aside for homeless persons with qualifying disabilities), and to acquire and rehabilitate 4 duplexes at 8th Street and Market for disabled homeless persons.

United Way of the Plains is requesting funding for purchase and installation of hardware and software (as well as support services) to provide a homeless management information system. The primary objectives of the HMIS are to improve client services through better information collection, enhancing service program management, and providing accurate data to support advocacy and policy making activities.

COMCARE of Sedgwick County proposes the development of a transitional housing project for men and women, in partnership with Miracles, Inc., Breakthrough Club, Recovery Property Management, The Salvation Army, The Substance Abuse Assessment Center of Kansas, the County Extension office and ConnectCare, to provide a comprehensive program of transitional housing and supportive services for adults who have a serious mental illness, a co-occurring substance abuse problem, and chronic histories of homelessness.

Inter-Faith Ministries is proposing a project that will include a Mobile Services Unit van staffed by case managers and homeless Resident Assistants from Inter-Faith Inn. The van will be supplied with seasonal needs such as coats, blankets, food, clean water, etc. This project will focus on the homeless persons who presently reside on the streets of Wichita.

In 2001 the Department of Housing and Urban Development was awarded Shelter plus Care funding for 102 units for one year. Required supportive services were provided by COMCARE's Homeless Program, ConnectCare, and Miracles, Inc. These agencies will provide the essential community supports to ensure that the members of their respective target populations will reach their goals of self-sufficiency and independent living in the community. The services committed by these agencies will provide the required match for the Shelter Plus Care funding. The grant application requests funding for an additional year for 102 units.

The Department of Housing and Urban Development has announced a preliminary "pro-rata" need for the City of Wichita and Sedgwick County of \$1,154,011. In addition, the permanent housing project may qualify for funding over and above the pro-rata amount.

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Funding for the Shelter plus Care project will come from an allocation approved separately by Congress for the S+C program and will not affect the amount available for the other proposals. Shelter Plus Care funding must be matched by an equal amount of supportive services, which can be provided directly by the housing authority or by other service providers.

All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no funding from the City of Wichita.

Motion --
-- carried

Knight moved that submission of the applications and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

EQUIPMENT

GEOGRAPHIC INFORMATION SYSTEMS (GIS) EQUIPMENT.

Agenda Report No. 01-0675.

The City of Wichita has purchased new color aerial photography provided in a digital format (orthophotography). GIS and other City departments using GIS technology will use the orthophotography for various reasons, including planning purposes and presentations.

The color orthophotography files are very large and require specialized equipment to print maps. Upgrading our plotting equipment is essential to completing numerous requests from individuals within and outside the City requiring printed orthophotography. Plotting fees will be assessed to each applicant to reimburse the cost of the plotter purchase.

Research was conducted to determine available plotters meeting the requirements necessary to print color orthophotography. The plotter requires network connectivity, PostScript language, a large memory reservoir, and the ability to quickly produce large, quality, color prints of orthophotography.

The cost of \$11,676.25 for the HP DesignJet 5000ps plotter will be paid from of the Data Center Computer Replacement Fund.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 6 to 0. (Lambke absent)

WATER

REPAIR OF 48" RAW WATER PIPELINE.

Agenda Report No. 01-0676.

Untreated water is transported from two major supply sources via large diameter pipelines. One of these, a 48" cast iron pipe, was constructed in the 1940s. The pipeline's route takes it through developed areas of the City just east of the Big Arkansas River. In a number of locations, it is immediately adjacent to housing and/or commercial buildings. The pipeline has had a number of breaks due to the type of material used to seal joints and the soil conditions in which the pipe is buried.

A majority of the breaks have occurred north of 53rd Street North in areas that are rural in character. However, breaks in the pipeline adjacent to a building or under a major traffic artery have the potential to cause significant property damage, create risk to human life and/or cause significant traffic disruption. The lack of availability of the 48" pipeline also limits the City's ability to meet peak water demand. With these concerns in mind, as part of the ongoing evaluation of the City's water supply and delivery system, Burns & McDonnell was directed to evaluate the pipeline route and determine where the greatest risks exist. Nineteen (19) locations from 53rd Street North to the Water Treatment Plant (WTP) were identified as being at risk.

Mid-Kansas Engineering Consultants (MKEC) was awarded a contract to design the repairs for the locations having the greatest potential for property damage, disruption to traffic, or risk to human life. The recommendation is to slipline approximately 17,000 feet of the pipeline as the best solution for protecting public interest and restoring reliability of the line.

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Substantially lower bids can be obtained if contractors have a way to view the internal condition of a pipeline, so Staff recommended videotaping the interior using the department's camera equipment and personnel. Dondlinger & Sons Construction Co., Inc., is currently in the process of making repairs to a recent line break and has agreed to cut the necessary openings for insertion of the camera equipment. Upon completion of the videotaping, Dondlinger will repair the line working under a cost-plus basis which is the agreement the City has with them at present.

The cost is approximately \$50,000 for cutting the openings to permit the videotaping and for the repair of the pipeline. There is adequate funding in Repairs to 48" Raw Water Pipeline, CIP W-806, which has a budget of \$3.7 million.

Motion -- carried

Knight moved that the expenditure be approved. Motion carried 6 to 0. (Lambke absent)

PROPERTY ACQ.

ACQUISITION OF 7210 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT (District II)

Agenda Report No. 01-0677.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. At the time of approval, there were ten residential and four businesses. Including pending approvals and eminent domain requests, all of these tract have been acquired, are under contract or have been placed in eminent domain. The subject property at 7210 East Kellogg is owned by Michael and Nestor Weigand. The site contains 22,500 square feet and is improved with a 2,080 square foot masonry car sales/leasing facility. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$425,000. An amount of \$440,000 was negotiated based on information provided by the owner. The property is currently leased for used car sales. The lease will be canceled and the tenant relocated as soon as possible. The site will be processed for immediate demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$472,000 is requested. This includes \$440,000 for the acquisition, \$20,000 for relocation, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN – TRACTS FOR THE EAST KELLOGG /WOODLAWN IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-0678.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. At the time of approval, there were ten residential and four commercial properties remaining to be acquired. With this eminent domain action, all of these tracts will have been either acquired or placed in eminent domain.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified property but has been unable to reach an agreement with the owners. The offer prices and counter offers are shown as part of Exhibit A. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

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Motion --
-- carried

Knight moved that the Resolution be adopted; the Ordinance be placed on first reading; and the City Attorney be directed to file the appropriate proceedings. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-217

A Resolution declaring the necessity for acquiring private property for use of the City of Wichita in Connection with planned improvement East Kellogg Avenue (U.S.-54), presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick county, Kansas; designating the lands required for such purposes and directing the City Attorney to file a Petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-0679.

On May 7, 2001 the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1)	719 East Cottage Grove	I
2)	1213 South St. Francis	I
3)	1423 South Waco	I
4)	1629 South Palisade	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on July 10, 2001, at 10:30 a.m., be approved. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. R-01-212

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lien holders of record and occupants of the structure located on land described as: the east 45 feet of the west 75 feet, Lots 41-42-43-44, Cottage Park Addition to Wichita, Sedgwick County, Kansas, known as 719 East Cottage Grove, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-213

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A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lien holders of record and occupants of the structure located on land described as: Lots 9 and 11, on St. Francis Avenue, in Zimmerly's Second Addition to Wichita, Sedgwick County, Kansas, known as 1213 South St. Francis, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-214

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lien holders of record and occupants of the structure located on land described as :Lots 20-22, Waco Avenue, Fitzgerald's Second Addition to Wichita, Sedgwick County, Kansas, known as 1423 South Waco, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-215

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lien holders of record and occupants of the structure located on land described as: Lots 17 and 19, on Palisade Avenue, Eureka or Rock Island Addition to Wichita, Sedgwick County, Kansas, known as 1629 South Palisade, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

HARDSHIP DEF.

RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 01-0680.

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments and water plant equity fees. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or put back on the tax roll.

One of the assessments has been paid and six have been put on the tax roll for 15 years beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Release of Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

SETTLEMENT

SETTLEMENT OF LAWSUIT - (KING V. CITY).

Agenda Report No. 01-0681.

The plaintiff was injured when she was involved in an auto accident with a vehicle driven by a Water Department employee. Investigation of the accident resulted in a finding that the City employee was at fault.

The City employee was negligent and the City is liable for the personal injuries suffered by the plaintiff in the accident. The plaintiff has offered to settle her lawsuit for the sum of \$37,500. It is likely that if

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the matter goes to trial a jury would award the plaintiff at least this amount and possibly a much greater amount.

Funding for this payment is from the City's tort claims fund.

Motion -- carried

Knight moved that payment of \$37,500 in settlement of this lawsuit be approved. Motion carried 6 to 0. (Lambke absent)

SANITARY SEWER

AMENDING RESOLUTION – SANITARY SEWER ALONG BROADWAY, NORTH OF MACARTHUR. (District III)

Agenda Report No. 01-0682.

On March 2, 1999, the City Council approved a Petition for a sanitary sewer to serve properties along both sides of Broadway, north of MacArthur. After the project was designed, the owners of property on the west side of Broadway requested that the pipeline for their area be eliminated.

An Amending Resolution has been prepared that assesses the properties west of Broadway only for design expenses incurred before the project was modified.

The total project budget of \$200,000 remains unchanged. The design-only assessment to the area on the west side of Broadway is \$7,800.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-216

A Resolution amending Resolution No. R-99-085 of the City of Wichita, Kansas, authorizing construction of Lateral 88, Main 1, Southwest Interceptor Sewer (along Broadway, north of MacArthur) Project No. 468-82967) presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight..

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 14, 2001)

a) ZON2001-00015 – north of 21st Street North, between Waco and Fairview. (District VI)

ORDINANCE NO. 44-976

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. ZON2001-00015

b) ZON2001-00018 –northeast corner of Harry and Todd. (District II)

ORDINANCE NO. 44-977

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. ZON2001-00018

c) 01-06 – north of 37th Street North and west of Oliver, and Various Streets. (Districts I and II)

ORDINANCE NO. 44-978

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An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. A01-06

SPECIALS

ASSESSMENTS FOR SIDEWALK REPAIR.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

ASSESSMENTS FOR BUILDING CONDEMNATIONS.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas.

PLANNING AGENDA

Motion --
-- carried

Knight moved that Planning Agenda, including Addendum 28A, be approved as consensus Items. Motion carried 6 to 0. (Lambke absent)

A01-10

A 01-10 - REQUEST BY JAY RUSSELL TO ANNEX LAND GENERALLY LOCATED NORTHEAST OF 119TH STREET WEST AND PAWNEE. (District V)

Agenda Item No. 01-0683.

The City has received a request to annex approximately 64 acres situated northeast of 119th Street West and Pawnee. The site abuts the City of Wichita to the north and east. The property owner is planning to develop the site with 183 single-family homes. The staging of development has been planned over multiple years, with 100% of development projected to occur within three (3) years.

Land Use and Zoning: The annexation site is presently in agricultural use and consists of one (1) undeveloped tract of land zoned "SF-20" Single Family Residential. Land north and east of the site is developed residential properties and is zoned "SF-5" Single Family Residential. Land south and west is undeveloped and zoned "SF-20" Single Family Residential. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 10" sewer line along the north line of the property and 8" sewer line along the east line. The property owner will need to extend sewer to serve each lot and pay 100% of the cost. As for water, 16" lines along 119th Street West and Pawnee will serve this property. An existing water line is adjacent to the east line of the property on Pawnee. There is an on going CIP water project that will extend a water line from the north to Kellogg and a future line from Kellogg to Pawnee. The property owner will be responsible for the 8" equivalent along their frontage and Water Department will pay the oversizing at an estimated cost of \$14,000.

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Street System: The property proposed for annexation will have access to 119th Street West (4-lane arterial), which serves the area as the nearest major north-south road, and Pawnee (2-lane arterial), which serves the area as the nearest major east-west road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2001-2005 Sedgwick County Capital Improvement Program (C.I.P.).

Public Safety: Fire services to this site can be provided most readily, within a six (6) to seven (7) minute approximate response time, from City Station #17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Pawnee Prairie Park, a semi-regional park, is located approximately 1½ miles east of the proposed annexation site. This park contains a variety of plants and wildlife, while offering area residents access by-way of a five mile bridle trail, an eight mile nature trail and a nature center. The park also has a driving range.

School District: The property is located in Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The plat for the property proposed for annexation has yet to be approved by the City Council. The total assessed value of the property is \$10,850. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$14,091,000 when development is completed, resulting in an assessed value of \$1,620,465. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$50,892 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A01-10

(Addendum Item #28a)
SUB 2001-29

SUB 2001-29 PLAT OF W.H.H. ADDITION LOCATED ON THE SOUTH SIDE OF 27TH STREET SOUTH, WEST OF SENECA. (District IV)

Agenda Report No. 01-0686.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned SF-6, Single-Family Residential. City water services are available to the site.

A petition, 100%, has been submitted for sanitary sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition will be recorded with the Register of Deeds.

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Motion --
-- carried

Knight moved that the Documents and Plat be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

AIRPORT AGENDA

AIRPORT

TAXIWAY "L" SITE DEVELOPMENT (PHASE II) – JABARA AIRPORT.

Agenda Report No. 01-0684.

The 2001 Capital Improvement Program allows for the Phase II Development of Taxiway "L" at Colonel James Jabara Airport. The Master Plan for Colonel James Jabara Airport identifies this area for corporate hangar development.

In order to accommodate future general aviation development for corporate hangars, it is necessary to construct infrastructure into the area south of Taxiway "L". The area adjacent to the north side of Taxiway "L" has reached development capacity. The extension of the access road and utilities into this site will allow continuation of planned growth.

The project is estimated to cost \$475,000 and will be funded with General Obligation Bonds paid by Airport revenue.

Motion --
-- carried

Knight moved that the project and budget be approved; the Resolution be adopted; and selection of the consultant be authorized. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. A 01-008

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to Colonel James Jabara Airport; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

AIRPORT

2001 STREET SIDE PAVEMENT REHABILITATION – MID-CONTINENT AIRPORT.

Agenda Report No. 01-0685.

On March 7, 2000 City Council approved the Street Side Rehabilitation project.

The plans and specifications have been completed for the rehabilitation of Air Cargo and Crossfield Roads.

Each year the airport identifies a project in the Capital Improvement Program (CIP) for street side pavement rehabilitation. A project budget of \$150,000 has been approved from the 2000 CIP. An additional \$170,000 is requested from the 2001 CIP. The 2000 and 2001 projects are being combined. The project is estimated to cost \$320,000 and will be funded with General Obligation Bonds paid by airport revenues.

The plans and specifications will be approved by the Law Department.

Motion --
-- carried

Knight moved that the budget increase and Plans and Specs be approved; the Resolution be adopted; and advertisement of bids for the project be authorized. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. A 01-009

A Resolution declaring that public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to Wichita Mid-Continent

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Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

Motion -- Knight moved that the rules be set aside and the Item concerning Council Salaries, on the March 20, 2001, Agenda, be considered. Motion carried 7 to 0.
-- carried

OFF AGENDA ITEM TWO-WAY MIDTOWN STREETS. (District VI)

Motion -- Knight moved that the rules be set aside and a matter be taken up off the Agenda. Motion carried
carried 6 to 0. (Lambke absent)

Council Member Fearey Council Member Fearey reported that the Midtown Historic Association is still looking into the one-way street issue through the Topeka and Emporia Historic District and on over to the railroad tracts including St. Francis and Santa Fe. Instead of the original 90 days, they would like to request an additional 180 days before bringing it back to Council.

Motion -- carried Fearey moved that the additional 180 days be approved. Motion carried 6 to 0. (Lambke absent)

EXECUTIVE SESSION

Motion -- Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending litigation, legal advice; personnel matters of non-elected personnel and matters relating to security of public bodies or agencies, public buildings or facilities, or information systems; and council return from executive session no
-- carried earlier than 11:00 a.m.

RECESS The City Council recessed at 10:25 a.m. and returned at 11:15 a.m. Mayor Knight announced they would need approximately 15 additional minutes in executive session.

Motion -- Knight moved that executive session be extended approximately 15 minutes. Motion carried 6 to 0.
-- carried (Lambke absent)

The City Council returned from executive session at 11:38 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:38 a.m.

Patsy Ellis
Deputy City Clerk

WORKSHOP: GILBERT AND MOSLEY TREATMENT FACILITY.